

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 1, 2006 PLANNING COMMISSION MEETING

PROJECT #: Use Permit No. 84B

PROPOSAL: To amend Use Permit 84A to reconfigure parking areas, add parking spaces, and reduce the front yard setback along Pioneers Boulevard.

LOCATION: South 70th & Pioneers Boulevard

LAND AREA: 12.6 acres, more or less

CONCLUSION:

This use permit proposes to add 18 stalls to the parking area serving the retail building facing Pioneers Boulevard which will require a reduction in front yard setback from 50 to 44 feet. In addition 14 parking stalls along the western side of South 69th Street (private) and 22 stalls on the east side would be added. This would result in a slight realignment of South 69th Street to the west onto R-1 zoned property which will require a change of zone and expansion of the boundary of the use permit to include this area. The applicant has requested a change of zone (see Change of Zone #06011). Combined, the various requests will result in a net increase of 54 parking stalls and a small expansion of the area of the use permit.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lots 1 and 2, Elizabeth Park South 1st Addition and a portion of Lot 9, Elizabeth Park South Addition, all located in the Northeast 1/4 of Section 9-9-7, Lancaster County, Nebraska, generally located at S. 70th and Pioneers Boulevard.

EXISTING ZONING: B-2 Planned Neighborhood Business District and O-3 Office

EXISTING LAND USE: A mixture of medical and general offices, retail, and parking.

SURROUNDING LAND USE AND ZONING:

North:	R-1/B-1	Cemetery
South:	R-3	Residential
East:	B-1/B-2	Shopping Center
West:	R-1	Residential

HISTORY:

The following is the history of the entire site known as Elizabeth Park commercial development.

- | | |
|----------------------|--|
| 1959 | The northeast corner of the site was zoned G Local Business and the remainder zoned AA Rural and Public Use. |
| March 1961 | The AA zoned portion was changed to A-1 Single Family Dwelling. |
| May 1972 | Special Permit #60o, Watergate Community Plan, was approved. |
| January 1978 | Portions of the G and A-1 zoned areas were changed to G-1 Planned Commercial District. |
| 1979 | During the 1979 Zoning Update, the areas zoned G were converted to B-1, G-1 to B-2, and A-1 to R-1. |
| December 1981 | The northern half of the western portion of the site (adjacent to Pinehurst Townhomes) was changed from B-2 to R-1, while alternately, the southern half of the western portion was changed from R-1 to B-2. This, in effect, formed a buffer area between the townhomes and the commercial development. |
| March 1983 | The B-2 zoning was expanded to the west and south to its current extent. |
| January 1996 | Use Permit #84 was approved for 108,200 square feet of commercial floor area. |
| August 1996 | Use Permit #84A was approved for an amendment to design standards for automobile stacking and a waiver to front yard setback. |
| November 1997 | Informational meeting held regarding proposal to add 18 parking stalls in a portion of the buffer area between the boundaries of Use Permit #84A and the residential neighborhood to the west. Residents objected and an application for such action was never recieved by the planning department. |

COMPREHENSIVE PLAN SPECIFICATIONS:

The Lincoln/Lancaster County 2025 Comprehensive Plan designates this area as commercial.

ANALYSIS:

1. This use permit proposes the addition of 54 parking stalls throughout the development resulting in a reduction in front yard setback along Pioneers Boulevard and the addition of a small area to the use permit (see CZ 06011).
2. The reduction in setback along Pioneers will be required to accommodate 18 new parking stalls in that area, reducing the setback from 50 to 44 feet. Approval of this request is recommended so long as any landscaping that is removed as a result is replaced. Planning staff finds this request reasonable because the reduction creates usable space for needed parking, the adjustment is only 6 feet, and the remaining 44 feet of setback is sufficient if additional landscape screening is provided.
3. The applicant intends to add 14 parking stalls on the west side of South 69th Street and 22 stalls on the east side. The boundary of the use permit must be expanded in this area in order to add these additional stalls. The area proposed to be added is approximately 10 feet wide and is currently a part of a 50 foot wide buffer strip.
4. Additional parking spaces have previously been built without approval along the west side of South 69th Street south of Stacy Lane. However a request for approval of these spaces is not a part of this request. Resubmitted plans should note that these spaces will be approved with this request and proper building permits should be obtained.
5. To mitigate the reduction in width of the buffer strip, the applicant proposes extensive landscaping and an addition to the existing six foot tall solid wood fence along the length of the buffer strip.
6. Pinehurst, Inc. owner of the residential property to the west of the buffer area agrees to support to proposed plan in regards to the reduction in the width of the buffer area. (See attached letter)

CONDITIONS OF APPROVAL:**Site Specific:**

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - A. The correct location of the sidewalk along the west side of South 69th Street.

- B. The buffer area between South 69th Street and the residential property to the west.
 - C. Remove notes and data from site plan that no longer apply or were voided in previous amendments or contain a strike-out line across them.
 - D. Curve data for the proposed horizontal curves in South 69th Street in accordance with design standards.
 - E. Site distances of all parking lot connections to South 69th Street and at the intersection of Stacy Lane and 69th Street.
 - F. Additional parking shown on the west side of South 69th Street, south of Stacy Lane added without prior approval is a part of this request and that proper building permits shall be obtained.
2. This approval permits an additional parking, adjustment to the yard requirements to reduce the front yard setback along Pioneers from 50 to 44 feet and a small expansion in the area of the use permit to include the proposed additional parking stalls along the west side of South 69th Street.

General:

3. Before receiving building permits:
- 3.1 The permittee shall have submitted a revised and reproducible final plan including 8 copies and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying the parking areas all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

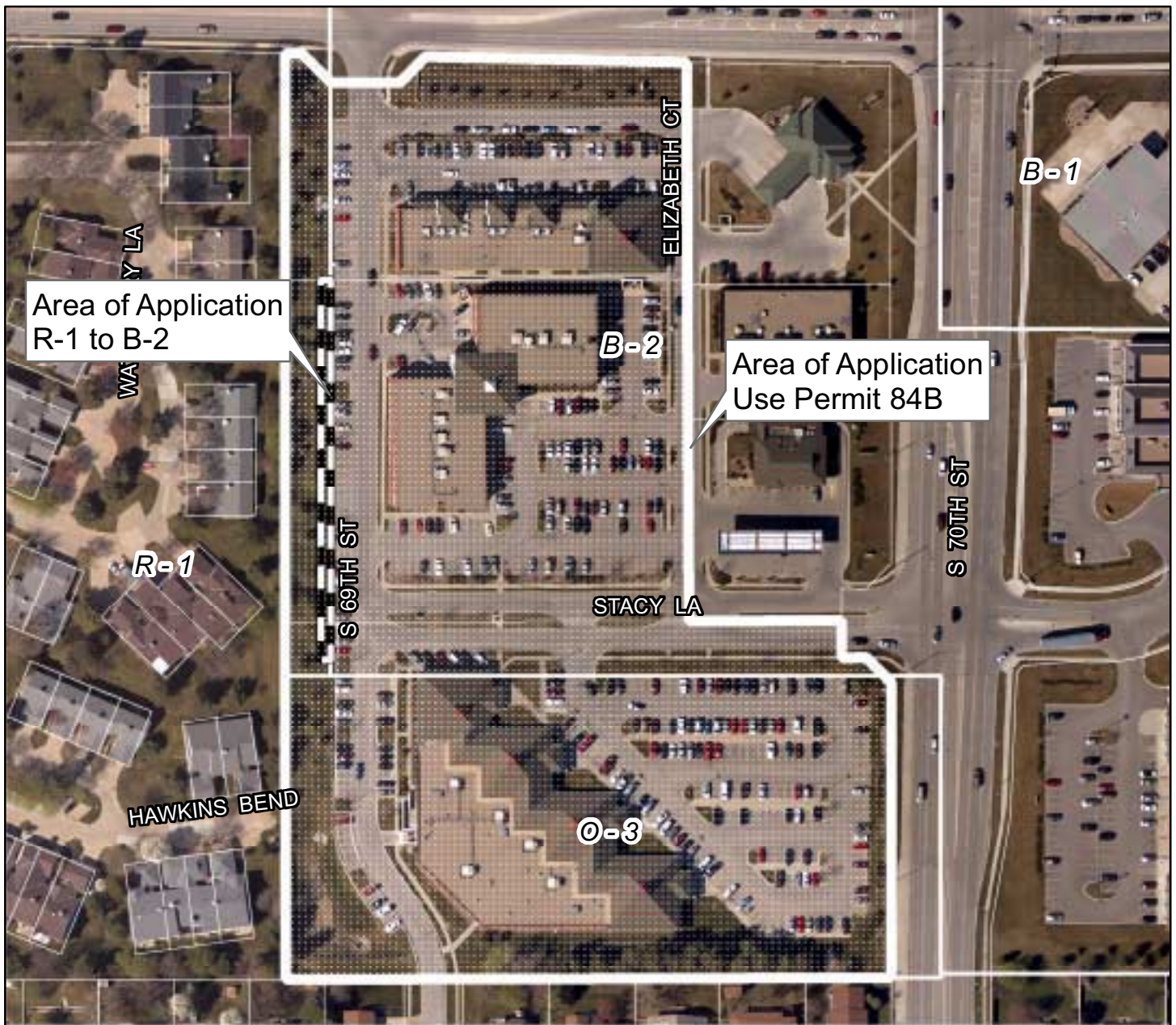
Joe Rexwinkle, Planner

DATE: February 15, 2006

APPLICANT: Michael Rierden
645 M Street
Suite 200
Lincoln, NE 68508

OWNER: Elizabeth South Partners
5101 Central Park Drive
Lincoln, NE 68504

CONTACT: Michael Rierden



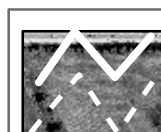
Change of Zone #06011 & Use Permit 84B S. 70th & Pioneers Blvd.

2005 aerial
Pioneers Blvd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 9 T09N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

S 56th St.



S 70th St.

Old Cheney Rd.

PINEHURST, INC.

P. O. BOX 6185
LINCOLN, NE 68506
February 6, 2006

Lincoln City Council

Re: Elizabeth Park South

Dear City Council:

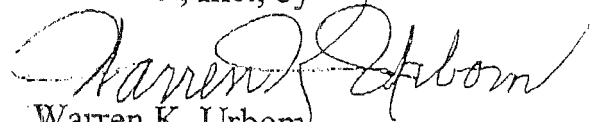
Pinehurst, Inc.'s board of directors approves the plan of Elizabeth Park South to create additional parking stalls, as represented by the enclosed drawing of Bahr Vermeer Haecker dated 4 January 2006, including 18 stalls along the east edge of South 69th Street adjacent to Pinehurst, Inc.'s land that abuts the west edge of South 69th Street.

Traffic flow will be somewhat increased by the addition, affecting the paths of entrance and exit from the commercial area of Elizabeth Park South. We urge that traffic signal lights be installed at the intersection of South 69th Street and Pioneers Boulevard, as well as at the intersection of 70th Street and Stacy Street to ease the entering and exiting from the area bounded by Pioneers, South 69th, Stacy, and 70th Streets.

Your consideration will be appreciated.

Very truly yours,

Pinehurst, Inc., by



Warren K. Urbom
President

Pioneers Blvd.

additional parking

18 stalls

**proposed
new
paving**

**proposed
new
landscaping**

100% landscape screening

8' of additional
paving

42' of planting
strip remain

**proposed
new
paving**

additional parking

36 stalls

Retail 1 building

Office Building

Pioneers Blvd.
Lincoln, Nebraska
Pioneer Place

Copyright 2008
4 January 2008

BANK VANDER HAECK

LINE
all rights reserved